

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

MAXWELL ROUX, JOHN DUFF III, HENRY SMITH, and BRUNO NISPEL,

Plaintiffs,

v.

KRISHNA OKHANDIAR (a/k/a Rohit Okhandiar, Charlotte Fang, Charlie Fang, Wonyoung Jang, Miya, Xinma33, MissJo, and Sonya); REMILIA CORPORATION LLC, a Delaware limited liability company; REMILIA INDUSTRIES LLC, a Delaware limited liability company,

Defendants.

JOINT STATUS REPORT

In response to the Court’s Order [Doc. #9], plaintiffs Maxwell Roux, John Duff III, Henry Smith, and Bruno Nispel (“Plaintiffs”) and defendants Krishna Okhandiar, Remilia Corporation LLC, and Remilia Industries LLC (“Defendants,” and collectively with Plaintiffs, the “Parties”), by and through their respective counsel, submit this status report.

1. On September 11, 2023, defendants Okhandiar and Remilia Corporation LLC filed action against plaintiffs Roux, Duff, and Smith in the United States District Court for the District of Nevada, entitled *Okhandiar, et al. v. Smith, et al.*, Case No. 2:23-cv-1409-APG-EJY (the “Nevada Action”).

2. On September 22, 2023, Plaintiffs filed the current case in the Delaware Court of Chancery, which Defendants removed to this Court on September 27, 2023.

3. In December 2023, the Parties participated in mediation with George M. Haley, Esq. with Utah ADR Services. The mediation was unsuccessful, so plaintiffs Roux, Duff and Smith filed a motion in the Nevada Action to dismiss for lack of personal jurisdiction and improper venue pursuant to Federal Rules of Civil Procedure 12(b)(2) and 12(b)(3), or alternatively to transfer to this Court pursuant to 28 U.S.C. §§ 1406(a) or 1404(a).

4. On February 13, 2024, the court in the Nevada Action granted the motion in part and transferred the Nevada Action to this District for all further proceedings. Once transferred, the Nevada Action was given Case No. 1:24-cv-00193 and assigned to this same Court.

5. Having met and conferred, the Parties agreed that rather than having two actions involving overlapping claims and parties before this Court, the most efficient course of action would be to combine the cases into a single action by having Defendants voluntarily dismiss the transferred Nevada Action pursuant to Fed. R. Civ. P. 41(a)(1)(A) without prejudice to their right to refile those claims for relief as counterclaims in the current action. Therefore, on February 26, 2024, Defendants filed a Notice of Voluntary Dismissal of the transferred Nevada Action, and the Court closed that case.

6. During their discussions, Plaintiffs also informed Defendants that they intend to file an amended complaint pursuant to Fed. R. Civ. P. 15(a)(1). Therefore, the Parties agreed that Plaintiffs shall file their First Amended Complaint (“FAC”) no later than March 8, 2024, and that Defendants will accept service of the Summons and FAC and shall have through and including April 12, 2024, to file their responsive pleadings to the FAC. The parties are submitting a Stipulation and Proposed Order with these dates concurrently with this Joint Status Report.

Dated: March 1, 2024

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